

CONSTRUCTION OF BRIDGE ADJACENT TO FOLSOM DAM,
CALIFORNIA

JULY 14, 2003.—Committed to the Committee of the Whole House on the State of
the Union and ordered to be printed

Mr. POMBO, from the Committee on Resources,
submitted the following

R E P O R T

together with

DISSENTING VIEWS

[To accompany H.R. 901]

[Including cost estimate of the Congressional Budget Office]

The Committee on Resources, to whom was referred the bill (H.R. 901) to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. CONSTRUCTION OF BRIDGE ADJACENT TO FOLSOM DAM, CALIFORNIA.

(a) **IN GENERAL.**—The Secretary of the Interior, in coordination with the Secretaries of Transportation and Homeland Security, may carry out a project to design and construct a bridge on Federal land west of and adjacent to Folsom Dam in California. In carrying out the project, the Secretary of the Interior may also construct necessary linkages from the bridge to existing roadways and provide for reestablishment of administrative facilities located at the Dam that will be affected by construction of the bridge.

(b) **DESIGN AND CONSTRUCTION.**—In designing and constructing the bridge, the Secretary of the Interior shall maximize the economy, safety, and security of Folsom Dam's future operation, maintenance, and construction activities.

(c) **SIZE OF BRIDGE.**—The Secretary of the Interior shall construct the bridge as a 2-lane bridge unless the city of Folsom requests, at such time as the Secretary may require, that the bridge be constructed as a 4-lane bridge. If the city of Folsom submits such a request, the city shall enter into an appropriate cost-sharing agreement with the Secretary.

(d) TRANSFER TO CITY OF FOLSOM.—Before initiation of construction of the bridge, the Secretary of the Interior shall enter into an agreement with the city of Folsom to provide that, upon completion of construction of the bridge—

(1) the Secretary shall transfer to the city of Folsom all right, title, and interest of the United States to the bridge and connecting structures;

(2) the Secretary shall transfer to the city of Folsom necessary easements to provide access to the bridge; and

(3) the city of Folsom shall assume full responsibility for operation and maintenance of the bridge and connecting structures in perpetuity.

(e) FEDERAL SHARE.—The Federal share of the cost of the project is as follows:

(1) If the project is constructed as a 2-lane bridge, the project shall be constructed at full Federal expense.

(2) If the project is constructed as a 4-lane bridge, the city of Folsom shall be required to contribute 20 percent of the cost of the project.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section a total of \$50,000,000 for fiscal years beginning after September 30, 2003.

PURPOSE OF THE BILL

The purpose of H.R. 901 is to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes.

BACKGROUND AND NEED FOR LEGISLATION

The Flood Control Act of 1944 authorized construction of Folsom Dam as a 355,000 acre feet flood control facility. The final authorization came in the American River Basin Development Act of October 14, 1949 (Public Law 81–356), which created the Folsom and Sly Park Units of the Central Valley Project and provided for the enlargement of Folsom Reservoir to 1,000,000 acre feet as a multi-purpose facility with a 162,000 kilowatt powerplant. Folsom Dam consists of a concrete main section flanked by two earthfill wing dams.

Folsom Dam was built by the U.S. Army Corps of Engineers; however the Bureau of Reclamation (Reclamation) manages and operates the dam. It is one of the few concrete and earthfill dams with a two-lane public roadway that connects fast growing communities. As a result of the events on September 11, 2001, a Department of Defense Defense Threat Reduction Agency analysis prompted Reclamation to unilaterally and permanently close the public roadway for enhanced security reasons on February 28, 2003, with one week's notice. At the time of this unique closure, Reclamation estimated that 18,000 vehicles used the road per day.

Testimony received from witnesses during a Subcommittee hearing indicated that closure was necessary for homeland security purposes. Failure of Folsom Dam would put at risk approximately 300,000 residents, 5,000 businesses and \$25 billion in property, including major highways, schools, and California's State Capitol. Witnesses, including a board member of the Sacramento Area Flood Control Agency, also testified that bridge construction for homeland security reasons should be independent of efforts to raise Folsom Dam by seven feet.

All witnesses spoke of the need for a bridge on federal land below Folsom Dam as a way to mitigate the impacts of Reclamation's road closure. Prior to the closure, Reclamation conducted a number of assessments citing the eventual need to replace the Folsom Dam road with a permanent bridge in light of security reasons. One such assessment specifically included a Reclamation design anal-

ysis in 2000 of a bridge envisioned in H.R. 901. Reclamation's bridge design concept emanated from its successful design and construction of 17 bridges, including the Auburn and Glen Canyon bridges, over the last 30 years.

As ordered reported, H.R. 901 recognizes Reclamation's operation of the dam, closure of the road, the agency's design concept of a Folsom bridge and its work on prior bridges. As such, the bill authorizes the Secretary of the Interior (Secretary) to coordinate with the Transportation and Homeland Security Departments in designing and constructing a bridge and connecting approach roads approximately 1,000 feet downstream of the dam.

Before initiating construction of the roadway, the Secretary shall enter into an agreement with the City of Folsom to transfer the rights, title and interests in the bridge and connecting structures to the City of Folsom. The Secretary is also required to transfer all necessary easements to provide access to the bridge. The City of Folsom shall assume full responsibility for the operation and maintenance of the bridge and connecting structures in perpetuity.

The reported bill authorizes \$50,000,000 for the design and construction of the bridge, approach roads and structures, and for the relocation of Reclamation's administrative facilities that would be affected by the bridge construction. In light of the coordination and an anticipated memorandum agreement between the Interior, Transportation and Homeland Security Departments, H.R. 901 does not specifically designate federal funding sources.

H.R. 901 also envisions the need for a local cost share on a bridge designed to support future traffic flow requirements. The bill requires full federal funding for a two lane bridge to mitigate for the federal government's unique and unilateral homeland security decision to close the two lane Folsom Dam Road. However, the bill gives the City of Folsom the decision to request the federal government to build a four lane bridge if the City pays 20% of the bridge's cost. This cost share is identical to the local cost share for similar federal bridge projects. The bill does not follow the cost share formula for the ongoing Hoover Dam bypass project, which was originally intended to relieve congestion on an interstate highway. The road over Hoover Dam remains open to limited vehicular traffic while Reclamation closed the local Folsom Dam Road permanently for unique homeland security circumstances.

COMMITTEE ACTION

H.R. 901 was introduced on February 25, 2003, by Congressman Doug Ose (R-CA). The bill was referred to the Committee on Resources, and within the Committee to the Subcommittee on Water and Power. On April 1, 2003, the Subcommittee held a hearing on the bill. On April 3, 2003, the Subcommittee met to mark up the bill. No amendments were offered and the bill was forwarded to the full Resources Committee by voice vote. On June 11, 2003, the full Resources Committee met to consider the bill. Congressman Calvert offered an amendment to facilitate the coordination of the Interior, Transportation and Homeland Security Departments on the project and to require a 20% local cost share if the City of Folsom decides that a four lane bridge is necessary. The amendment also reduced the funding amount from \$66,500,000 to \$50,000,000. The amendment was adopted by voice vote. The bill was ordered re-

ported to the House of Representatives by a rollcall vote of 22 Yeas to 20 Nays, as follows:

Adjourned: _____

☐ Attendance ☒ Recorded Vote Vote Number 20 Total: Yeas 22 Nays 20

| | YEA | NAY | PRESENT | | YEA | NAY | PRESENT |
|-----------------------------|-----|-----|---------|-----------------------------|-----|-----|---------|
| Mr. Pombo, CA, Chairman | ✓ | | | Mr. Peterson, PA | | | |
| <i>Mr. Rahall, WV</i> | | ✓ | | <i>Mr. Tom Udall, NM</i> | | ✓ | |
| Mr. Young, AK | | | | Mr. Gibbons, NV | | | |
| <i>Mr. Miller, CA</i> | | ✓ | | <i>Mr. Mark Udall, CO</i> | | ✓ | |
| Mr. Tauzin, LA | ✓ | | | Mr. Souder, IN | ✓ | | |
| <i>Mr. Markey, MA</i> | | ✓ | | <i>Mr. Acevedo-Filá, PR</i> | | ✓ | |
| Mr. Saxton, NJ | ✓ | | | Mr. Walden, OR | ✓ | | |
| <i>Mr. Kildee, MI</i> | | ✓ | | <i>Mr. Carson, OK</i> | | ✓ | |
| Mr. Gallegly, CA | | | | Mr. Tancredo, CO | ✓ | | |
| <i>Mr. Faleomavaega, AS</i> | | | | <i>Mr. Grijalva, AZ</i> | | ✓ | |
| Mr. Duncan, TN | | | | Mr. Hayworth, AZ | ✓ | | |
| <i>Mr. Abercrombie, HI</i> | | ✓ | | <i>Mr. Cardoza, CA</i> | | ✓ | |
| Mr. Gilchrest, MD | ✓ | | | Mr. Osborne, NE | ✓ | | |
| <i>Mr. Ortiz, TX</i> | | | | <i>Ms. Bordallo, GU</i> | | ✓ | |
| Mr. Calvert, CA | ✓ | | | Mr. Flake, AZ | ✓ | | |
| <i>Mr. Pallone, NJ</i> | | ✓ | | <i>Mr. Hinojosa, TX</i> | | | |
| Mr. McInnis, CO | ✓ | | | Mr. Rehberg, MT | ✓ | | |
| <i>Mr. Dooley, CA</i> | | ✓ | | <i>Mr. Rodriguez, TX</i> | | ✓ | |
| Mrs. Cubin, WY | | | | Mr. Renzi, AZ | ✓ | | |
| <i>Mrs. Christensen, VI</i> | | ✓ | | <i>Mr. Baca, CA</i> | | ✓ | |
| Mr. Radanovich, CA | ✓ | | | Mr. Cole, OK | ✓ | | |
| <i>Mr. Kind, WI</i> | | | | <i>Ms. McCollum, MN</i> | | ✓ | |
| Mr. Jones, NC | ✓ | | | Mr. Pearce, NM | ✓ | | |
| <i>Mr. Inslee, WA</i> | | ✓ | | Mr. Bishop, UT | ✓ | | |
| Mr. Cannon, UT | ✓ | | | Mr. Nunes, CA | ✓ | | |
| <i>Mrs. Napolitano, CA</i> | | ✓ | | Mr. Putnam, FL | ✓ | | |
| | | | | | | | |
| | | | | | | | |
| | | | | Total | 22 | 20 | |

SECTION-BY-SECTION

Section 1. Construction of bridge adjacent to Folsom Dam, California

This section authorizes the Secretary of the Interior, in coordination with the Secretaries of the Transportation and Homeland Security Departments, to carry out a project to design and construct a bridge on Federal land west of and adjacent to Folsom Dam in California. Reestablishment of administrative facilities impacted by the change in bridge location will also be accomplished. The Secretary shall construct a two lane bridge unless the City of Folsom requests construction of a four lane bridge. If the City submits such a request, it shall enter into a cost sharing agreement with the Secretary. Prior to construction, the Secretary shall transfer all right, title, and interest to the bridge, connecting structures and easements to the City of Folsom. The City shall be responsible for all operation and maintenance of the bridge and connecting structures in perpetuity. The bill further stipulates that a two lane bridge shall be constructed at full federal expense but the City of Folsom will contribute 20% of the cost of a four lane bridge. \$50,000,000 is authorized to be appropriated to carry out the bill.

COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

Regarding clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee on Resources' oversight findings and recommendations are reflected in the body of this report.

CONSTITUTIONAL AUTHORITY STATEMENT

Article I, section 8 of the Constitution of the United States grants Congress the authority to enact this bill.

COMPLIANCE WITH HOUSE RULE XIII

1. Cost of Legislation. Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives requires an estimate and a comparison by the Committee of the costs which would be incurred in carrying out this bill. However, clause 3(d)(3)(B) of that rule provides that this requirement does not apply when the Committee has included in its report a timely submitted cost estimate of the bill prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974.

2. Congressional Budget Act. As required by clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a) of the Congressional Budget Act of 1974, this bill does not contain any new budget authority, spending authority, credit authority, or an increase or decrease in revenues or tax expenditures.

3. General Performance Goals and Objectives. As required by clause 3(c)(4) of rule XIII, the general performance goal or objective of this bill is to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes..

4. Congressional Budget Office Cost Estimate. Under clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 403 of the Congressional Budget Act of 1974, the Com-

mittee has received the following cost estimate for this bill from the Director of the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 17, 2003.

Hon. RICHARD POMBO,
*Chairman, Committee on Resources,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 901, a bill to authorize the Secretary of the Interior to construct a bridge on federal land west of and adjacent to Folsom Dam in California, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Julie Middleton.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

H.R. 901—A bill to authorize the Secretary of the Interior to construct a bridge on federal land west of and adjacent to Folsom Dam in California, and for other purposes

Summary: H.R. 901 would authorize the Secretary of the Interior through the Bureau of Reclamation to design and build a two-lane bridge on federal land near the Folsom Dam in California. If the city of Folsom wished to build a four-lane bridge, however, the city would be required to contribute 20 percent of the cost of the project. In addition the bill would authorize the Secretary to transfer title to the bridge, the connecting structures, and the associated easements to the city of Folsom. Following the transfer, the city of Folsom would be responsible for the operation and maintenance of the bridge and connecting structures.

Assuming appropriation of the authorized amounts, CBO estimates that implementing H.R. 901 would cost about \$40 million over the 2004–2008 period and an additional \$10 million after that period. Enacting H.R. 901 would not affect direct spending or revenues. H.R. 901 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 901 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

| | By fiscal year, in millions of dollars— | | | | |
|--|---|------|------|------|------|
| | 2004 | 2005 | 2006 | 2007 | 2008 |
| CHANGES IN SPENDING SUBJECT TO APPROPRIATION | | | | | |
| Estimated Authorization Level | 10 | 10 | 10 | 10 | 10 |
| Estimated Outlays | 3 | 7 | 10 | 10 | 10 |

Basis of estimate: For this estimate, CBO assumes that H.R. 901 will be enacted near the start of fiscal year 2004 and that the nec-

essary funds will be appropriated for each year. CBO estimates that implementing H.R. 901 would cost approximately \$40 million over the 2004–2008 period and an additional \$10 million after that period.

The bill would authorize the appropriation of \$50 million to design and construct a new bridge adjacent to the Folsom Dam, including all approach roads and structures, and to relocate administrative facilities that would be affected by the bridge construction. Based on information from the Bureau of Reclamation, CBO expects that it will take approximately five years to complete the design and construction of this project and that funds could be appropriated in roughly equal installments over that period.

Intergovernmental and private-sector impact: H.R. 901 contains no intergovernmental or private-sector mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. Enacting this legislation would benefit the state of California and local governments in the vicinity of the new bridge. These governments might incur some costs to meet conditions imposed by this bill, but those costs would be voluntary.

Estimate prepared by: Federal Costs: Julie Middleton; Impact on State, Local, and Tribal Governments: Marjorie Miller; and Impact on the Private Sector: Lauren Marks.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMPLIANCE WITH PUBLIC LAW 104–4

This bill contains no unfunded mandates.

PREEMPTION OF STATE, LOCAL OR TRIBAL LAW

This bill is not intended to preempt any State, local or tribal law.

CHANGES IN EXISTING LAW

If enacted, this bill would make no changes in existing law.

DISSENTING VIEWS

While there is general agreement that a new bridge should be built to replace the current two-lane road over the top of Folsom Dam in Northern California, H.R. 901 is seriously deficient in several respects.

At its core, despite being advertised as a water project bill, H.R. 901 is pure and simple a highway authorization bill and if enacted, would siphon away scarce federal dollars available to the Bureau of Reclamation reserved for bona fide water resources projects. In fact, at a cost of over \$60 million, the money for the proposed Folsom Bridge would consume about a third of the Bureau of Reclamation's budget for California water projects in the coming fiscal year. Even if funding were stretched out over several years, this bridge project will threaten the timely completion of Bureau of Reclamation water projects all over the West.

We believe this to be an inappropriate use of water resources funding and patently unfair to everyone who depends on Bureau of Reclamation projects whether it be for irrigation, water supply, creation or for the support of fish and wildlife resources.

In our view, if the sponsors of H.R. 901 were really serious about addressing the transportation problems in the area of the Folsom Dam, they would seek to have a new bridge considered by the Committee on Transportation and Infrastructure which has jurisdiction over the Federal aid to States highway program. Indeed, Federal highway authorization bills routinely are considered in the Transportation and Infrastructure Committee, voted on by the Congress, and enacted into law. These highway bills proceed in that Committee subject to well-practiced rules, including the understanding that Members of the Committee are never asked to cut funding for existing projects in order to make way for someone else's project. But that is exactly what is happening with H.R. 901 and the Resources Committee, and that is wrong, that is unfair, and that is a major reason why Members should oppose H.R. 901.

We would also note that unlike the vast majority of highway projects considered by the Congress, H.R. 901 is deficient in the extent of local cost-sharing that would be involved. Certainly it is not inappropriate to require that the local communities who would benefit from the bridge envisioned by H.R. 901 should participate in funding its construction, no matter what Federal agency ultimately is directed to build the project.

This is not a partisan issue. Republicans and Democrats alike will be asked to cut back or delay their Bureau of Reclamation water projects to make room for funding the proposed Folsom Bridge.

For these reasons, we oppose H.R. 901 and will urge that it be defeated if brought to the House Floor for consideration.

NICK RAHALL.
GRACE F. NAPOLITANO.
GEORGE MILLER.
CAL DOOLEY.
JAY INSLEE.
MARK UDALL.
RAÚL M. GRIJALVA.
FRANK PALLONE, Jr.

COMMITTEE CORRESPONDENCE

HOUSE OF REPRESENTATIVES,
COMMITTEE ON RESOURCES,
Washington, DC, July 3, 2003.

Hon. DON YOUNG,
*Chairman, Committee on Transportation and Infrastructure, Ray-
burn House Office Building, Washington, DC.*

DEAR MR. CHAIRMAN: On June 11, 2003, the Committee on Resources ordered reported with an amendment H.R. 901, to authorize the Secretary of the Interior to construct a bridge on Federal land west of and adjacent to Folsom Dam in California, and for other purposes. Based on my discussions with the Parliamentarian, the Committee on Transportation and Infrastructure would have a jurisdictional interest in the reported bill.

Congressman Doug Ose, the author of the bill, has asked me to expedite consideration of the measure so that funding can be sought for this important bridge this fiscal year. Therefore, I ask that the Committee on Transportation and Infrastructure not seek a sequential referral of H.R. 901. By foregoing this referral, the Committee on Transportation and Infrastructure does not waive any subject matter jurisdiction over the H.R. 901 nor should this action be considered as precedent for future actions. In addition, should a conference on this bill or a similar Senate bill become necessary, I agree to support your request for conferees on those matters within the Committee on Transportation and Infrastructure's jurisdiction. Finally, I would be pleased to include my letter and your response in the bill report on H.R. 901.

Thank you for your continued cooperation in matters under our shared jurisdiction and I look forward to seeing H.R. 901 on the Floor soon.

Sincerely,

RICHARD W. POMBO,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, July 7, 2003.

Hon. RICHARD W. POMBO,
*Chairman, Committee on Resources,
Longworth Building, Washington, DC.*

DEAR MR. CHAIRMAN: Thank you for your letter regarding H.R. 901, to authorize the Secretary of the Interior to construct a bridge on federal land near Folsom Dam in California. As you correctly point out, this legislation also falls within the jurisdiction of the Transportation and Infrastructure Committee.

I appreciate your strong interest and those of the bill's sponsor, Congressman Ose, in moving this important legislation to the House Floor as soon as possible. Accordingly, I will support discharging the Committee on Transportation and Infrastructure from further consideration of the bill.

I appreciate your assurances that a decision to be discharged from further consideration of the bill should not be considered as precedent for future referrals of similar measures or as affecting the Transportation and Infrastructure Committee's subject matter jurisdiction and that you would support the appointment of conferees from the Committee should a conference with the Senate become necessary. In addition, I would appreciate your inclusion our letters in any Floor debate accompanying House consideration of H.R. 901.

I congratulate you for your leadership on H.R. 901 and look forward to working with you and your colleagues as the legislation advances.

Sincerely,

DON YOUNG,
Chairman.

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